



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2239

DATE SCANNED 11/2/11

SCANNER NO. 2

SCAN OPERATOR ES

11092672795



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *msc* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *DR in*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER
QUARTERLY REPORT (NON-ELECTION SENSITIVE) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission

Federal Election Commission

Reason to Believe Circulation Report

2010 OCTOBER QUARTERLY - Not Election Sensitive 10/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2212	C00458745	ANDRE WILLIAMS FOR CONGRESS	WILLIAMS, ANDRE LEWIS	DAVID EVERETT MARKO	\$375,326	0	10/28/2010	13	\$51,704	\$1,402
2213	C00474049	CARLINEO FOR CONGRESS	CARLINEO, GLORIA	GLORIA CARLINEO	\$181,423	0	12/7/2010	Not Filed	\$44,000	\$990
2214	C00463950	CHERYLE JACKSON FOR U S SENATE	JACKSON, CHERYLE	CAROL STANLEY-ROBBINS	\$1,651,208	0		Not Filed	\$330,242 (est)	\$8,800
2215	C00480434	CHUCK FLUME FOR CONGRESS	FLUME, CHARLES WILLIAM SR.	BRUCE BLOCH	\$102,330	0		Not Filed	\$51,165 (est)	\$2,970
2216	C00477869	CLARK VANDEVENTER FOR CONGRESS 2010	VANDEVENTER, CLARK	CLARK VANDEVENTER	\$187,791	0		Not Filed	\$62,597 (est)	\$2,970
2218	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K	DIERDRE K SCOZZAFAVA	\$762,971	1		Not Filed	\$254,324 (est)	\$11,000
2219	C00465773	DEON LONG FOR CONGRESS	LONG, OMETRIAS DEON	DEON LONG	\$252,205	0		Not Filed	\$84,088 (est)	\$3,850
2220	C00460220	DICK KELSEY FOR CONGRESS	KELSEY, RICHARD FRANKLIN	JOHN B BARRETT	\$530,188	0		Not Filed	\$88,366 (est)	\$3,850
2222	C00463265	ETHAN HASTERT FOR CONGRESS COMMITTEE	HASTERT, ETHAN ALLEN	LARRY NELSON	\$1,247,146	0		Not Filed	\$249,429 (est)	\$7,150
2223	C00481184	FRIENDS OF ROSS BIELING	BIELING, ROSS PARKER	ROSS PARKER BIELING	\$385,138	0	10/22/2010	7	\$112,696	\$1,535
2224	C00478006	HERRMANN FOR CONGRESS	HERRMANN, THOMAS A	FRANK J DEMILO CPA	\$1,207,368	0		Not Filed	\$402,456 (est)	\$9,900
2225	C00461970	JAY FLEITMAN FOR CONGRESS COMMITTEE	FLEITMAN, JAY SCOTT	MARY LOU STUART	\$286,236	0	10/22/2010	7	\$60,174	\$907
2226	C00473819	JIM HOLT CAMPAIGN COMMITTEE	HOLT, JIM	MARC MILLSAP	\$295,537	0		Not Filed	\$73,884 (est)	\$2,970
2229	C00477703	KEVIN POWELL FOR CONGRESS 2010	POWELL, KEVIN	LLOYD COLONA	\$349,015	0		Not Filed	\$116,338 (est)	\$4,950
2231	C00463273	LOWRY FOR CONGRESS	LOWRY, ROBERT PAUL	ROBERT PAUL LOWRY	\$127,909	0		Not Filed	\$25,582 (est)	\$990

AF#	Committee ID	Committee Name	Ballot	Candidate Name	Treasurer	Threshold	Days Reported	Days Late	LOA	RTB Penalty
2232	C00483149	LUIS MEURICE FOR CONGRESS COMMITTEE		MEURICE, LUIS	BERNARD A BECKER	\$184,913	0	10/26/2010	\$57,453	\$1,237
2233	C00446468	LYNCH FOR CONGRESS		LYNCH, EDWARD J	EDWARD LYNCH	\$223,336	4	12/3/2010	\$33,155	\$1,980
2234	C00479907	MARK FRENCH FOR CONGRESS		FRENCH, MARK TODD	KATHLEEN CARRELL FRENCH	\$103,782	0		\$34,594 (est)	\$990
2235	C00475095	MATTHEW BURKE FOR CONGRESS		BURKE, MATTHEW	BURKE, JENNIFER	\$100,517	0	11/2/2010	\$3,344	\$115
2236	C00423202	MIKE GRAVEL FOR PRESIDENT 2008		GRAVEL, MIKE	MIKE GRAVEL	\$288,073	5		\$48,012 (est)	\$2,227
2237	C00463406	MORGAN FOR CONGRESS		MORGAN, VINCENT SCOTT	HON RD SNYDEN	\$152,791	0	11/17/2010	\$34,665	\$250
2238	C00480715	MULLEN FOR CONGRESS		MULLEN, WESLEY MARTIN	STUART WAYNE MCMAHEN	\$101,296	0		\$33,765 (est)	\$990
2239	C00481069	MYERS 4 CONGRESS		MYERS, TERRY LON	SARAH ANNE LORANG	\$258,044	0	11/5/2010	\$87,347	\$2,750

2241	C00461343	PHILLIP BRUTUS FOR CONGRESS		BRUTUS, PHILLIP J	CAMELIA SIGUINEAU	\$151,182	0		\$30,236 (est)	\$990
2242	C00473595	RICHARD LAKE FOR CONGRESS		LAKE, RICHARD DAVID GEORGE	TERRANCE BRADLEY	\$101,188	0		\$33,729 (est)	\$990
2243	C00468264	SCOTT TAYLOR FOR CONGRESS		TAYLOR, SCOTT W	ITHIEL HARLEY THOMAS IV	\$137,491	0		\$27,498 (est)	\$990
2244	C00468934	SCOTT WALLACE FOR US CONGRESS		WALLACE, SCOTT	MAUREEN RUGGIERO	\$273,613	0		\$68,403 (est)	\$2,970
2245	C00463497	SHADWICK FOR CONGRESS		SHADWICK, MONTE	JAMES A LAMBERT	\$157,091	0		\$39,273 (est)	\$990
2246	C00473512	SHELDON GOLDSTEIN FOR CONGRESS		GOLDSTEIN, SHELDON	JUSTIN MOORE	\$176,204	0		\$35,241 (est)	\$990
2247	C00471516	SIAS FOR CONGRESS		SIAS, LANGHORNE C	CORY DICKSON	\$356,280	0		\$89,070 (est)	\$3,850
2248	C00467712	SINGH FOR CONGRESS		SINGH, NAVRAJ	TIMOTHY J DAVIS	\$417,659	1		\$104,415 (est)	\$6,187
2249	C00467761	SUE LOWDEN FOR U S SENATE		LOWDEN, SUE	BOB BEERS	\$8,068,867	0	10/22/2010	\$42,982	\$340
2250	C00476432	TIM WOOLDRIDGE FOR CONGRESS		WOOLDRIDGE, TYMOTHE (TIM) LYNN	CHARLES R PARTLOW	\$1,107,167	0	11/22/2010	\$19,501	\$550
2251	C00468692	TORRES FOR CONGRESS 2010		TORRES, ENRIQUE RAUL	THOMAS FREER	\$129,870	0		\$32,468 (est)	\$990
2252	C00477844	WADE FOR DELAWARE		WADE, KEVIN LYNN	HARRY SKILTON	\$135,364	0		\$67,682 (est)	\$2,970
2253	C00471433	WILL BOYD FOR US SENATE		BOYD, WILLIE WILL EUGENE JR	WILLIE "WILL" BOYD JR	\$131,829	0	10/23/2010	\$16,581	\$150
2254	C00464594	YOLLY ROBERSON FOR CONGRESS		ROBERSON, YOLLY	KERLYNE COTARD	\$466,383	0		\$93,277 (est)	\$3,850

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Myers 4 Congress and Sarah Anne) AF 2239
Lorang, as Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010, the Commission decided by a vote of 6-0 to take the following actions on the Reason To Believe Recommendation – 2010 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 13, 2010:

1. Find reason to believe that Myers 4 Congress and Sarah Anne Lorang, as Treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that a civil money penalty would be the amount indicated on the report.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 17, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2010

Sarah Anne Lorang, in official capacity as Treasurer
Myers 4 Congress
394 Daystar Mountain Drive
Tucson, AZ 85745

C00481069
AF#: 2239

Dear Ms. Lorang:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on November 5, 2010, 21 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Myers 4 Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,750. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,750 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors: -

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$87,347
Number of Days Late: 21
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Myers 4 Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Vice Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,750 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Myers 4 Congress

FEC ID#: C00481069

AF#: 2239

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$2,750

11092672803

**FEC OFFICE OF
ADMIN REVIEW**

2011 JAN 19 P 12: 52

**Sarah A LoRang
Myers 4 Congress
394 Daystar Mountain Drive
Tucson, AZ 85745**

**RECEIVED
2011 JAN 18 AM 10: 30
FEC MAIL CENTER**

January 10, 2011

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

RE: C00481069
AF#: 2239

To Whom It May Concern:

In response to your notice dated December 21, 2010 I am writing to challenge the RTB fining and calculated civil money penalty associated with my filing of Myers 4 Congress 3rd quarter 2010 report. This return was timely filed using my best effort.

I received a notice dated September 21, 2010 informing me of a deficiency in the filing of the 2nd quarter 2010 reporting. To avoid issues with filing a deficient return I waited on filing the return until all of the 3rd quarter financial information was available to me. I received the last information to reconcile September transactions on November 5th. At that time I was able to have all of the required financial information needed to file an accurate 3rd quarter filing.

I was unaware that filing an inaccurate report on time would have been better than waiting and filing an accurate report. I am now aware of this situation and will file reports prior to their deadline and file an amendment if necessary.

As you can see from our 3rd quarter filing, it shows that contributions to the campaign were minimal and that the campaign was mainly funded from loans from the candidate which at this time are unrecoverable. There is currently less than \$200 in the campaign account and personally there are no funds available if you assess me directly as the treasurer to pay any fines that would be assessed if you do not agree with my best effort.

If you need to discuss this issue with me further please give me a call

Sincerely,


Sarah A LoRang

11092672804



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 19, 2011

Sarah A. LoRang, in her official capacity as Treasurer
Myers 4 Congress
394 Daystar Mountain Drive
Tucson, AZ 85745

C00481069
AF#: 2239

Dear Ms. LoRang:

On January 19, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092672805

2011 JAN 20 A 11: 54

Date: January 20, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2239

Committee Name: Myers 4 Congress

Committee ID#: C09481069

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated December 10, 2010 and RTB
Certification, dated December 15, 2010 (Y/N): Y

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Telecoms and Visitcoms in Response to RTB Letter (Y/N): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 October Quarterly Report Prior Notice, dated September 21, 2010.

-Non-Filer Notice, dated November 4, 2010.

-RTB Letter, dated December 21, 2010.

Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

11092672806

**Proof of Delivery**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1ZWF5860A297553884
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Weight: 1.00 Lb
Shipped/Billed On: 12/22/2010
Delivered On: 12/23/2010 2:44 P.M.
Delivered To: TUCSON, AZ, US
Signed By: SARAH

Location: RESIDENTIAL

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/29/2010 10:28 A.M. ET

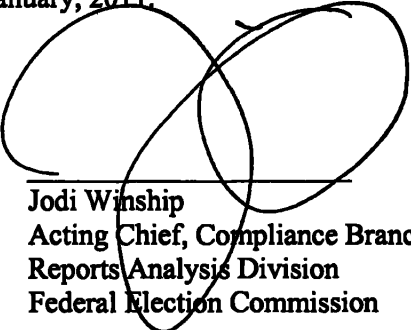
Attachment 2

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Myers 4 Congress:
 - A) Prior Notice, dated September 21, 2010, referencing the 2010 October Quarterly Report (sent via electronic mail to: TERRY@MYERSFORCONGRESS.COM);
 - B) Non-Filer Letter, dated November 4, 2010, referencing the 2010 October Quarterly Report;
 - C) Reason-to-Believe Letter, dated December 21, 2010, referencing the 2010 October Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Myers 4 Congress filed the 2010 October Quarterly Report with the Commission on November 5, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 20th day of January, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

September 21, 2010

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/10	10/15/10	10/15/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS ¹	OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General ²	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST submit their 48-hour notices electronically**. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 2010

RQ-7

SARAH ANNE LORANG, TREASURER
MYERS 4 CONGRESS
394 DAYSTAR MOUNTAIN DRIVE
TUCSON, AZ 85745

IDENTIFICATION NUMBER: C00481069

REFERENCE: OCTOBER QUARTERLY REPORT 8/5/2010 - 9/30/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REMAINING THIS MATTER, PLEASE CONTACT IAN WANDER AT OUR TOLL FREE NUMBER (800) 424-9530. OUR DIRECT LOCAL NUMBER IS (202) 694-1136.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 MAR 18 A 10:52

SENSITIVE

March 17, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2239 – Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer (C00481069)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092672816



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2239 – Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer
(C00481069)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$2,750 civil money penalty.

Reason-to-Believe Background

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and made a preliminary determination that the civil money penalty was \$2,750 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on December 21, 2010 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on October 15 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On January 18, 2011, the Commission received the written response ("challenge") from the Treasurer challenging the RTB finding, citing her best efforts to file timely. The financial data needed to file the report was not available until after the filing deadline and upon its receipt, an accurate report was filed disclosing minimal contributions, as the campaign was primarily funded by candidate loans. They were unaware that an inaccurate report timely filed is better than a late, accurate report, and in the future reports will be filed timely, along with subsequent amendments as needed.

Analysis

The 2010 October Quarterly Report was filed November 5, 2010, 21 days late.

11092672817

The respondents assert that the report was filed late because the information needed to file the report was not available to the Treasurer until November 5. Although the challenge does not specify what prevented the information from being available to the Treasurer, the regulations are clear that the Treasurer is personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

The challenge notes that the level of activity on their October Quarterly Report was minimal and the campaign was funded largely by candidate loans. For purposes of Administrative Fine penalty calculations, the level of activity for an authorized committee is defined as the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3)(i). Loans made, endorsed or guaranteed by the Candidate are categorized as receipts 11 C.F.R. § 104.3(a)(3)(vii). Their report discloses \$32,850 in receipts (including \$30,000 in candidate loans) and \$54,497 in disbursements, resulting in a level of activity of \$87,347, as was determined at RTB. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for a non-election sensitive report filed 21 days late, for respondents with no prior violations, and the level of activity bracket of \$75,000 - \$99,999.99, the civil penalty is $[\$440 + (110 \times 21)] \times [1 + (.25 \times 0)]$ or \$2,750, and was, therefore, correctly calculated at RTB.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The other issue raised in the challenge, (the Committee and Treasurer's lack of funds) also do not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(h). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,750.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2239 involving Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2239 that Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,750; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 October Quarterly Report is due October 15, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 15 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the 2010 October Quarterly Report electronically filed by Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from August 5, 2010 through September 30, 2010, and was received on November 5, 2010. Line 16, Column A lists \$32,850.00 in total receipts for this period. Line 22, Column A lists \$54,497.12 in total disbursements for this period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 17th of March, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092672819

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINT ▼Example: If typing, type
over the lines

Myers 4 Congress

ADDRESS (number and street)

394 N Daystar Mountain Drive

Check if different
than previously
reported. (ACC)

Tucson

AZ

85745

2. FEC IDENTIFICATION NUMBER ▼

C00481069

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

AZ

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

08

05

2010

through

09

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

LoRang Anne Sarah

Signature of Treasurer

Electronically Filed by LoRang Anne Sarah

Date

11

05

2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

11092672820

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

3 / 48

Write or Type Committee Name
Myers 4 Congress

Report Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y
0 8 0 5 2 0 1 0 0 9 3 0 2 0 1 0

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	1775.00	3475.00
(i) Itemized (use Schedule A).....		
(ii) Unitemized.....	1075.00	1240.00
(iii) TOTAL of contributions from individuals..... ▶	2850.00	4715.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACS).....	0.00	0.00
(d) The Candidate.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))	2850.00	4715.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
13. LOANS		
(a) Made or Guaranteed by the Candidate.....	30000.00	125297.60
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	30000.00	125297.60
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶	32850.00	130012.60

11092672821

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 48

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	54497.12	128032.70
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	54497.12	128032.70

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	23627.02
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....	32850.00
25. SUBTOTAL (add Line 23 and Line 24).....	56477.02
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	54497.12
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	1979.90

11092672822



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 21, 2011

Sarah Anne LoRang, in her official capacity as Treasurer
Myers 4 Congress
394 Daystar Mountain Drive
Tucson, AZ 85745

C0081069
AF# 2239

Dear Ms. LoRang:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Myers 4 Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,750 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092672823



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 APR -7 P 4: 28

April 7, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2239 – Myers 4 Congress
and Sarah Anne LoRang, in her official capacity as Treasurer
(C00481069)

On December 15, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$2,750 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 18, 2011, the Office of Administrative Review received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated March 17, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$2,750 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2239 involving Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2239 that Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,750; and
- (3) Send the appropriate letter.

11092672825

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2239
Myers 4 Congress and Sarah Anne)
LoRang, in her official capacity as)
Treasurer (C00481069))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 20, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF #2239:

1. Adopt the Reviewing Officer recommendation for AF# 2239 involving Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2239 that Myers 4 Congress and Sarah Anne LoRang, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,750.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 21, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092672826



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 28, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sarah Anne LoRang, in her official capacity as Treasurer
Myers 4 Congress
394 Daystar Mountain Drive
Tucson, AZ 85745

C00481069
AF# 2239

Dear Ms. LoRang:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Myers 4 Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,750 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 18, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Myers 4 Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$2,750 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 21, 2011.

On April 20, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Myers 4 Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$2,750. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,750 for the 2010 October Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Myers 4 Congress

FEC ID#: C00481069

AF#: 2239

PAYMENT AMOUNT DUE: \$2,750

**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 23, 2010

The Creditor Agency agrees that:

- 11092672830
- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency (Agency) to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through FMS's Cross-Servicing Program (Cross-Servicing);
- The Agency will submit Debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746 that, to the best of his or her knowledge and belief, the following is true and correct:
1. **Valid Debts.** The Debts are delinquent, valid and legally enforceable in the amounts stated. The Agency will properly credit collections (other than TOP collections) to the delinquent debtors' accounts and notify FMS of any change in the amount, validity or legal enforceability of the Debt.
 2. **No Bar to Collection.** The Debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a Debt. The Agency's records do not show that any debtor owing a Debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

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3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer Debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such Debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the Debt, the intention of the Agency to collect the Debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the Debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the Debt, including the opportunity to present evidence that all or part of the Debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the Debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the Debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

- e. For Debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the Debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitations prior to **December 31, 2009** (e.g., student loans debts, judgments).

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.

- i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
- i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to

administrative repeal or review of the claim; and

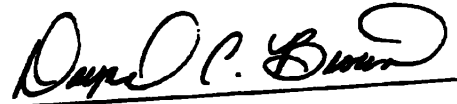
- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

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CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Dayna C. Brown

Director, Office of Administrative Review



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2239

DATE SCANNED

11/2/11

SCANNER NO.

2

SCAN OPERATOR

SES

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